

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

EMPLOYERS AND OPERATING ENGINEERS LOCAL 520 PENSION FUND, an employee benefit plan, and RONALD KAEMPFER, EUGENE KEELEY, PETE KORTE, RONALD JOHNSON, MICHAEL PARKINSON, and ROBERT K. GERMANN, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Pension Fund, and EMPLOYERS AND OPERATING ENGINEERS LOCAL 520 HEALTH AND WELFARE FUND, and RONALD KAEMPFER, EUGENE KEELEY, RONALD JOHNSON, PETE KORTE, MICHAEL PARKINSON, and ROBERT K. GERMANN, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Health and Welfare Fund, and OPERATING ENGINEERS LOCAL 520 JOINT APPRENTICESHIP AND TRAINING FUND, and EUGENE KEELEY, MICHAEL LUHR, MICHAEL PARKINSON, RONALD JOHNSON, MARK JOHNSON, and GARY THIEMS, in their representative capacities as Trustees of the Operating Engineers Local 520 Joint Apprenticeship and Training Fund, and EMPLOYERS AND OPERATING ENGINEERS LOCAL 520 VACATION FUND, and CHARLES MAHONEY, TIM KEELEY, RONALD JOHNSON, DAVID BAXMEYER, TERRY MACZURA and MARK JOHNSON, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Vacation Fund, and OPERATING ENGINEERS LOCAL 520 ANNUITY TRUST FUND, and RONALD JOHNSON, HENRY ROHWEDDER, MICHAEL PARKINSON, KENNETH J. KILIAN, FRED W. HAIER, and RONALD KAEMPFER, in their representative capacities as Trustees of the Operating Engineers Local 520 Annuity Trust Fund.

Plaintiffs, RONALD KAEMPFER, EUGENE KEELEY, PETE KORTE, MICHAEL PARKINSON, RONALD JOHNSON, MARK JOHNSON, GARY THIEMS, CHARLES MAHONEY, DAVID BAXMEYER, TERRY MACZURA, KENNETH J. KILIAN, FRED W. HAIER, and RONALD KAEMPFER, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Pension Fund, Health and Welfare Fund, Joint Apprenticeship and Training Fund, Vacation Fund, and Annuity Trust Fund, filed this action against Defendants, the Southern Illinois Regional Transit Authority, the City of Benton, and the State of Illinois, seeking declaratory and injunctive relief, and damages for violations of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973.

FILED

NOV 16 2009

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

Case No. 3:09-cv-614-JPG

A&R EXCAVATING AND MOTOR SALES,
INC., an Illinois corporation,

Defendant.

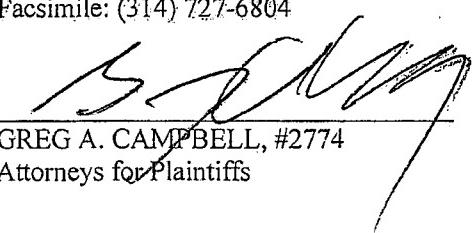
CONSENT JUDGMENT

The parties having stipulate to the entry of judgment as follows,
IT IS HEREBY ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of plaintiffs and against defendant in the amount of \$39,577.54, which represents \$35,979.57 in fringe benefit contributions and \$3,597.97 in liquidated damages owed for the period of February 2009 through August 2009;
2. Execution on the judgment amount set forth in paragraph 1, above, shall be stayed so long as defendant complies with paragraphs 3 and 4 below;
3. Defendant shall pay the judgment amount pursuant to the following schedule:
 - (a) \$3,000.00 on or before October 15, 2009;
 - (b) \$3,000.00 on or before November 15, 2009;
 - (c) \$3,000.00 on or before December 15, 2009;
 - (d) \$3,000.00 on or before January 15, 2010;
 - (e) \$3,000.00 on or before February 15, 2010;
 - (f) \$3,000.00 on or before March 15, 2010;
 - (g) \$3,000.00 on or before April 15, 2010;
 - (h) \$3,000.00 on or before May 15, 2010;
 - (i) \$3,000.00 on or before June 15, 2010;
 - (j) \$3,000.00 on or before July 15, 2010;
 - (k) \$3,000.00 on or before August 15, 2010;
 - (l) \$3,000.00 on or before September 15, 2010;
 - (m) \$3,000.00 on or before October 15, 2010; and
 - (n) \$577.54 on or before November 15, 2010;
4. Defendant shall submit all monthly contribution reports and contribution payments in a timely fashion, as required by defendant's collective bargaining agreement with Operating Engineers Local 520;
5. If defendant fails to make a payment when due pursuant to paragraph 3 above, or fails to submit all reports and contributions as required by paragraph 4 above, the entire judgment balance shall become immediately due;
6. The parties agree that this Stipulation is based on unaudited reports submitted by defendant, and that if defendant is audited and additional amounts are found to be owed, plaintiffs shall be entitled to seek the collection of such amounts.

HAMMOND AND SHINNERS, P.C.
INC. 7730 Carondelet Ave., Suite 200
Telephone: (314) 727-1015
Facsimile: (314) 727-6804

A&R EXCAVATING AND MOTOR SALES,
~~St. Louis, Missouri 63105~~

By: 
Date: October 15, 2009

GREG A. CAMPBELL, #2774
Attorneys for Plaintiffs

SO ORDERED:
DATED: October 16, 2009


UNITED STATES DISTRICT JUDGE